

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

FRACTUS, S.A.,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD., et al.,

Defendants.

Civil Action No. 6:09-CV-00203-LED

JURY TRIAL DEMANDED

**JOINT MOTION TO ENTER DOCKET CONTROL ORDER AND RULE ON
DISPUTED ISSUES IN DISCOVERY ORDER**

The parties today are filing a joint agreed docket control order. In addition, the parties are filing a discovery order that is agreed in part and disputed in part. The parties have highlighted the disputes in yellow, with their respective arguments in footnotes. The parties respectfully request that the Court rule on the disputed issues in the discovery order and enter an appropriate order. Attachment 1 is the Agreed Docket Control Order. Attachment 2 is the Agreed and Disputed Discovery Order.

DATED: November 20, 2009 Respectfully submitted,

By: /s/ Justin Nelson

Justin A. Nelson
State Bar No. 24034766
jnelson@susmangodfrey.com
Genevieve Vose
WA Bar No. 38422
gvose@susmangodfrey.com
SUSMAN GODFREY L.L.P.
1201 Third Ave, Suite 3800
Seattle, WA 98101
Telephone: (206) 516-3880
Facsimile: (206) 516-3883

T. John Ward, Jr., State Bar No. 00794818
WARD AND SMITH LAW FIRM
111 W. Tyler St.
Longview, Texas 75601
Telephone (903) 757-6400
Facsimile (903) 757-2323
E-mail: jw@jwfirm.com

Max L. Tribble, Jr. – Lead Counsel
State Bar No. 20213950
mtribble@susmangodfrey.com
SUSMAN GODFREY L.L.P.
1000 Louisiana Street, Suite 5100
Houston, Texas 77002
Telephone: (713) 651-9366
Facsimile: (713) 654-6666

Michael F. Heim, State Bar No. 09380923
mheim@hpcllp.com
Fiona A. Bell, State Bar No. 24052288
fbell@hpcllp.com
HEIM, PAYNE & CHORUSH, L.L.P.
600 Travis Street
Suite 6710
Houston, Texas 77002
Telephone: (713) 221-2001
Facsimile: (713) 221-2021

Otis W. Carroll, State Bar No. 03895700
nancy@icklawn.com
IRELAND CARROLL AND KELLEY, P.C.
6101 South Broadway, Suite 500
P.O. Box 7879
Tyler, Texas 75711
Telephone: (903) 561-1600
Facsimile: (903) 561-1071

S. Calvin Capshaw, State Bar No. 03783900
Elizabeth L. DeRieux, State Bar No. 05770585
CAPSHAW DERIEUX, LLP
1127 Judson Road, Suite 220
P. O. Box 3999
Longview, Texas 75601-5157
Telephone: (903) 236-9800
Facsimile: (903) 236-8787
ccapshaw@capshawlaw.com

ederieux@capshawlaw.com

Attorneys for FRACTUS S.A.

/s/ William LaFuze (with permission)

William L. LaFuze, State Bar No. 11792500

Attorney-in-Charge

wlafuze@velaw.com

Steven R. Borgman, State Bar No. 02670300

sborgman@velaw.com

Vinson & Elkins L.L.P.

First City Tower

1001 Fannin Street, Suite 2500

Houston, TX 77002-6760

Telephone: 713.758.2595

Facsimile: 713.615.5317

Scott W. Breedlove, State Bar No. 00790361

sbreedlove@velaw.com

David Joshua Tobin, State Bar No. 24060735

dtobin@velaw.com

Vinson & Elkinns L.L.P.

3700 Trammell Crow Center

2001 Ross Avenue

Dallas, TX 75201-2975

Telephone: 214.220.7700

Facsimile: 214.220.7716

***Attorneys for Defendants Research In Motion, Ltd. and
Research In Motion Corporation***

/s/ Michael E. Jones (with permission)

Michael E. Jones, State Bar No. 10929400

mikejones@potterminton.com

Potter Minton, P.C.

110 N. College, Suite 500

Tyler, Texas 75702

Telephone: 903.597.8311

Facsimile: 903.593.0846

Of Counsel

Neil P. Sirota, State Bar No. 2562155

neil.sirota@bakerbotts.com

Chang Sik Kim, State Bar No. 4213021

changsik.kim@bakekrbotts.com

Eric J. Faragi, State Bar No. 4300687

Eric.faragi@bakerbotts.com
Baker Botts LLP
30 Rockefeller Plaza
New York, New York 10112-4498
Telephone: 212.408.2678
Facsimile: 212.259.2478

Michael J. Barta, State Bar No. 431663
Michael.barta@bakerbotts.com
Baker Botts LLP
1299 Pennsylvania Avenue NW
Washington, DC 20004
Telephone: 202.639.7703
Facsimile: 202.585.1058

***Attorneys for Defendants Samsung Electronics Co.,
Ltd., Samsung Electronics America, Inc.,
Samsung Telecommunications America, LLP,
Samsung Electronics Research Institute, Samsung
Semiconductor Europe GMBH, and Samsung
Telecommunications America, LLC***

/s/ Collin W. Park (with permission)
Winstol D. Carter, Jr., State Bar No. 03932950
wcarter@morganlewis.com
James L. Beebe, State Bar No. 24038708
jbeebe@morganlewis.com
Morgan Lewis & Bockius
1000 Louisiana Street, Suite 4200
Houston, Texas 77002
Telephone: 713.890.5000
Facsimile: 713.890.5001

Collin W. Park
Admitted *Pro Hac Vice*
cpark@morganlewis.com
Thomas E. Nelson, DC Bar number 465805
Admitted *Pro Hac Vice*
tnelson@morganlewis.com
Morgan Lewis & Bockius
1111 Pennsylvania Avenue, NW
Washington, DC 20004
Telephone: 202.739.3000
Facsimile: 202.739.3001

***Attorneys for Defendants LG Electronics, Inc., LG
Electronics U.S.A., Inc. and LG Electronics
Mobilecomm USA, Inc.***

/s/ Melissa Richards Smith (with permission)

Melissa Richards Smith, State Bar No. 24001351
melissa@gilliamsmithlaw.com
Gillam & Smith, LLP
303 South Washington Avenue
Marshall, Texas 75670
Telephone: 903.934.8450
Facsimile: 903.934.9257

Alison Tucher, State Bar No. 171363
atucher@mofo.com
Harold J. McElhinny, State Bar No.
hmcElhinny@mofo.com
Morrison & Foerster, LLP
425 Market Street
San Francisco, California 94105-2482
Telephone: 415.268.7000
Facsimile: 415.268.7522

Hae-Chan Park, VA State Bar No. 48640
hpark@park-law.com
Jiri F. Smetana, DC State Bar No. 481218
jsmetana@park-law.com
H. C. Park & Associates
8500 Leesburg Pike, Suite 7500
Vienna, Virginia 22182
Telephone: 703.288.5105
Facsimile: 703.288.5139

Attorneys for Defendant Pantech Wireless, Inc.

/s/ David C. Doyle (with permission)

David C. Doyle, State Bar No. 70690
ddoyle@mofo.com
M. Andrew Woodmansee, State Bar No. 201780
mawoodmansee@mofo.com
Greg Reilly, State Bar No. 250232
greilly@mofo.com
Thomas C. Chen, State Bar No. 262782

tchen@mofo.com
Morrison & Foerster, LLP
12531 High Bluff Drive, Suite 100
San Diego, California 92130-2040
Telephone: 858.720.5100
Facsimile: 858.720.5125

Melissa Richards Smith, State Bar No. 24001351
melissa@gilliamsmithlaw.com
Gillam & Smith, LLP
303 South Washington Avenue
Marshall, Texas 75670
Telephone: 903.934.8450
Facsimile: 903.934.9257

***Attorneys for Defendants Kyocera Wireless Corp.,
Kyocera Communications, Inc., Palm, Inc.***

/s/ David G. Wille (with permission)
David G. Wille, State Bar No. 00785250
david.wille@bakerbotts.com
Samir A. Bhavsar, State Bar No. 00798065
bhavsar@bakerbotts.com
Ryan S. Loveless, State Bar No. 24036997
ryan.loveless@bakerbotts.com
Roshan S. Mansinghani, State Bar No. 24057026
roshan.mansinghani@bakerbotts.com
Baker Botts LLP
2001 Ross Avenue
Dallas, Texas 75201
Telephone: 214.953.6500
Facsimile: 214.953.6503

***Attorneys for Defendants High Tech Computer Corp.
and HTC America, Inc.***

/s/ Robert W. Adams (with permission)
Robert W. Adams, State Bar No. 30820
rwa@nixonvan.com
Gordon P. Klancnik, State Bar No. 48459
gpk@nixonvan.com
Updeep S. Gill, State Bar No. 36076
usg@nixonvan.com

Nixon & Vanderhye P.C.
901 North Glebe Road, 11th Floor
Arlington, Virginia
Telephone: 703.816.4000
Facsimile: 703.816.4100

Melvin R. Wilcox, III, State Bar No. 21454800
mrw@yw-lawfirm.com
Yarbrough – Wilcox, PLLC
100 E. Ferguson, Suite 1015
Tyler, Texas 75702
Telephone: 903.595.1133
Facsimile: 903.595.0191

***Attorneys for Defendants Sharp Corporation and
Sharp Electronics Corp.***

/s/ Alison Tucher (with permission)
Alison Tucher, State Bar No. 171363
atucher@mofo.com
Harold J. McElhinny, State Bar No.
hmcElhinny@mofo.com
Morrison & Foerster, LLP
425 Market Street
San Francisco, California 94105-2482
Telephone: 415.268.7000
Facsimile: 415.268.7522

Melissa Richards Smith, State Bar No. 24001351
melissa@gilliamsmithlaw.com
Gillam & Smith, LLP
303 South Washington Avenue
Marshall, Texas 75670
Telephone: 903.934.8450
Facsimile: 903.934.9257

Attorneys for Defendant UTStarcom, Inc.

/s/ Donald C. Templin (with permission)
Donald C. Templin, State Bar No. 19771500
don.templin@haynesboone.com
Layne Steven Keele, State Bar No. 24050856
layne.keelee@haynesboone.com

Haynes & Boone
2323 Victory Avenue, Suite 700
Dallas, Texas 75219
Telephone: 214.651.5000
Facsimile: 214.651.5940

Carrie A. Longstaff, State Bar No. 4427977
clongstaff@gibbonslaw.com
Gibbons PC
One Gateway Center
Newark, New Jersey 07102-5310
Telephone: 973.596.4629
Facsimile: 973.639.8379

Frank A. Bruno, State Bar No. 3028032
fbruno@gibbonslaw.com
Thomas R. DeSimone, State Bar No. 4405585
tdesimone@gibbonslaw.com
Gibbons PC
1 Pennsylvania Plaza, 37th Floor
New York, New York 10119-3701
Telephone: 212.613.2000
Facsimile: 212.290.2018

***Attorneys for Defendant Personal Communications
Devices Holdings, LLC***

/s/ Breighanne A. Eggert (with permission)
Breighanne A. Eggert, State Bar No. 6289475
Breighanne.eggert@kattenlaw.com
Michael A. Dorfman, State Bar No. 6255860
michael.dorfman@kattenlaw.com
Timothy J. Vezeau, State Bar No. 2899612
timothy.vezeau@kattenlaw.com
Katten Muchin Rosenman LLP
525 W. Monroe Street, Suite 1600
Chicago, Illinois 60661-3693
Telephone: 312.902.5391
Facsimile: 312.577.4452

Melissa Richards Smith, State Bar No. 24001351
melissa@gillamsmithlaw.com
Gillam & Smith, LLP
303 South Washington Avenue
Marshall, Texas 75670

Telephone: 903.934.8450
Facsimile: 903.934.9257

***Attorneys for Sanyo Electric Co., Ltd. and Sanyo North
America Corp.***

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record, who are deemed to have consented to electronic service are being served this 20th day of November, 2009 with a copy of this document via the Court's CM/ECF system per Local Rule CD-5(a)(3).

/s/ Justin Nelson